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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,505	03/01/2004	William Michael Connors	2003-0193.01	2743
21972 7590 02/22/2007 LEXMARK INTERNATIONAL, INC. INTELLECTUAL PROPERTY LAW DEPARTMENT 740 WEST NEW CIRCLE ROAD BLDG. 082-1 LEXINGTON, KY 40550-0999			EXAMINER MORRISON, THOMAS A	
			ART UNIT 3653	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/22/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/791,505

Applicant(s)

CONNORS ET AL.

Examiner

Thomas A. Morrison

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-11,13-20 and 22-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-8, 10-11,13,19,20 and 22-24 is/are rejected.
- 7) ☒ Claim(s) 9 and 14-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-2, 5-8, 10, 20 and 23-24 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,287,164 (Watanabe).

Regarding claim 1, Figs. 1-14 show an imaging apparatus, comprising:

a printing mechanism (including 3); and

a print media source (including 37, 33, 34 and 50) for supplying print media sheets to the printing mechanism (including 3), the print media source (including 37, 33, 34 and 50) including:

a first media tray (54) for holding a first print media;

a second media tray (53) for holding a second print media; and

a sheet feeder mechanism (including 37, 34 and 33) having a sheet picking roller (37) located to pick a top sheet of print media in the print media source, the top sheet of print media being located in only one of the first media tray (54) and the second media tray (53), the sheet feeder mechanism (including 37, 34 and 33) including a biasing mechanism (including 35 in Fig. 4) coupled to the sheet picking roller (37), the sheet

Art Unit: 3653

picking roller (37) being biased by the biasing mechanism (including 35 in Fig. 4) to move in a first direction (down) to engage the top sheet of print media, regardless of which of the first media tray (54) and the second media tray (53) contains the top sheet of print media. The top sheet of print media can be located in only one of the first and second media trays (54 and 53) when one of such media trays runs out of print media. Thus, all of the limitations of claim 1 are met.

Regarding claim 2, Figs. 1-14 show that the top sheet of print media is located in the second media tray (53) when at least one sheet of the second print media is present, and the top sheet print media being located in the first media tray (54) when the second media tray (53) is empty.

Regarding claim 5, Figs. 1-2 and 8 show a first frame (entire frame in Fig. 2) with a mounting frame (near 54a) coupled to the first frame, the mounting frame (near 54a) being located to extend across a width of the first media tray (54), the second media tray (53) being pivotably coupled by at least one pivot joint to the mounting frame (near 54a).

Regarding claim 6, Figs. 8-11 show that the second media tray (53) pivots at the at least one pivot joint to contact an upper media sheet of the first print media in the first media tray (54). This can occur if first media tray (54) is filled to a point where the top sheet in first media tray (54) contacts the bottom surface of second media tray 53.

Regarding claim 7, Figs. 1 and 8 show that in the absence of the first print media in the first media tray (54), the second media tray (53) can pivot at the at least one pivot

joint to contact a media support surface (top surface) of the first media tray (54). See e.g., lower right-hand corner near 53a of second media tray (53), which is positioned such that it can contact the top surface of first media tray (54) when the first media tray is pivoted upward and the second media tray (53) is pivoted downward.

Regarding claim 8, the mounting frame structure (near 54a) supports the first media tray (54) via a cross support extending across a width of the first media tray (54). See e.g., Figs. 1 and 8.

Regarding claim 10, the first media tray (54) can be a primary media tray and the second media tray (53) can be an auxiliary media tray.

Regarding claim 20, Figs. 1-14 show a print media source, comprising:

- a first media tray (54) for holding a first print media;

- a second media tray (53) for holding a second print media; and

- a sheet feeder mechanism (including 37, 34 and 33) having a sheet picking roller (37) located to pick a top sheet of print media in the print media source, the top sheet of print media being located in only one of the first media tray (54) and the second media tray (53), the sheet feeder mechanism (including 37, 34 and 33) including a biasing mechanism (including 35 in Fig. 4) coupled to the sheet picking roller (37), the sheet picking roller (37) being biased by the biasing mechanism (including 35 in Fig. 4) to move in a first direction (down) to engage the top sheet of print media, regardless of which of the first media tray (54) and the second media tray (53) contains the top sheet

Art Unit: 3653

of print media. The top sheet of print media can be located in only one of the first and second media trays (54 and 53) when one of such media trays runs out of print media. Thus, all of the limitations of claim 20 are met.

Regarding claim 23, Figs. 1-14 show an imaging apparatus, comprising:

a primary media tray (54) for holding a primary print media; and

a frame (Figs. 1 and 8) including a cross support (near 54a) that extends across a width of the primary media tray (54); and

an auxiliary media tray (53) pivotably coupled to the cross support, the auxiliary media tray (53) being configured for holding a second print media.

Regarding claim 24, Figs. 1-14 show a sheet feeder mechanism (including 37, 34 and 33) having a sheet picking roller (37) located to pick a top sheet of print media, the top sheet of print media being located in one of the primary media tray (54) and the auxiliary media tray (53).

2. Claims 1-2, 4-6, 8, 10-11, 13, 19-20 and 22-24 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,087,178 (Pfeifer et al.).

Regarding claim 1, Figs. 1-2 show an imaging apparatus (Abstract), comprising:

a printing mechanism (column 1, lines 14-15); and

a print media source (including 21, 2 and 6) for supplying print media sheets to the printing mechanism (column 1, lines 14-15), the print media source (including 21, 2 and 6) including:

a first media tray (6) for holding a first print media;

a second media tray (2) for holding a second print media; and

a sheet feeder mechanism (including 21) having a sheet picking roller (21) located to pick a top sheet of print media in the print media source, the top sheet of print media being located in only one of the first media tray (6) and the second media tray (2), the sheet feeder mechanism (including 21, 2 and 6) including a biasing mechanism (including 27) coupled to the sheet picking roller (21), the sheet picking roller (21) being biased by the biasing mechanism (including 27) to move in a first direction (down) to engage the top sheet of print media, regardless of which of the first media tray (6) and the second media tray (2) contains the top sheet of print media. The top sheet of print media can be located in only one of the first and second media trays (6 and 2) when one of such media trays runs out of print media. Thus, all of the limitations of claim 1 are met.

Regarding claim 2, Figs. 1-2 show that the top sheet of print media is located in the second media tray (2) when at least one sheet of the second print media is present, and the top sheet print media being located in the first media tray (6) when the second media tray (2) is empty.

Regarding claim 4, Figs. 1-2 show the first media tray (6), the second media tray (2) and the sheet feeder mechanism (including 21) being arranged such that the second print media tray (2) must be empty before the sheet picking roller (21) of the sheet feeder mechanism (including 21) can engage a sheet of the first print media held by the first media tray (6).

Different elements are relied upon to reject claims 5-8 than those used to reject claims 1, 2 and 4 above. Thus, the rejection of claim 5 includes all of the elements of claims 1 and 5. Then, the rejections of claims 6-8 use the same elements as those used in the rejection of claim 5.

Regarding claim 5, Figs. 1-2 show an imaging apparatus (Abstract), comprising:

- a printing mechanism (column 1, lines 14-15); and

- a print media source (including 21, 2 and 6) for supplying print media sheets to the printing mechanism (column 1, lines 14-15), the print media source (including 21, 2 and 6) including:

- a first media tray (2) for holding a first print media;

- a second media tray (6) for holding a second print media; and

- a sheet feeder mechanism (including 21) having a sheet picking roller (21) located to pick a top sheet of print media in the print media source, the top sheet of print media being located in only one of the first media tray (2) and the second media tray (6), the sheet feeder mechanism (including 21, 2 and 6) including a biasing mechanism

Art Unit: 3653

(including 27) coupled to the sheet picking roller (21), the sheet picking roller (21) being biased by the biasing mechanism (including 27) to move in a first direction (down) to engage the top sheet of print media, regardless of which of the first media tray (2) and the second media tray (6) contains the top sheet of print media. The top sheet of print media can be located in only one of the first and second media trays (2 and 6) when one of such media trays runs out of print media.

Also, Figs. 1-2 show a first frame (near 2) with a mounting frame (near 1) coupled to the first frame (near 2), the mounting frame (near 1) being located to extend across a width of the first media tray (near 2), the second media tray (6) being pivotably coupled by at least one pivot joint to the mounting frame (near 1).

Regarding claim 6, Figs. 1-2 show that the second media tray (6) pivots at the at least one pivot joint to contact an upper media sheet of the first print media in the first media tray (2). This can occur when the second media tray (6) is empty and the second media tray (6) contacts a single sheet in the in the first media tray (2).

Regarding claim 8, the mounting frame structure (near 1) supports the first media tray (2) via a cross support (1a) extending across a width of the first media tray (2).

Regarding claim 10, the first media tray (2) can be a primary media tray and the second media tray (6) can be an auxiliary media tray.

Regarding claim 11, Figs. 1-2 show an imaging apparatus, comprising:

a printing mechanism (column 1, lines 14-15); and

a print media source (including 21, 2 and 6) for supplying print media sheets to the printing mechanism (column 1, lines 14-15), the print media source including:

a first media tray (6) for holding a first print media;

a second media tray (2) for holding a second print media; and

a sheet feeder mechanism (including 21) having a sheet picking roller (21), the sheet feeder mechanism (including 21) including a biasing mechanism (including 27) coupled to the sheet picking roller (21), the sheet picking roller (21) being biased by the biasing mechanism (including 27) to move in a first direction (downward) to pick a sheet of print media from the first media tray (6) and the sheet picking roller (21) being biased in the first direction (downward) to pick a sheet of print media from the second media tray (2); and

the first media tray (6) and the second media tray (2) being arranged such that the second print media tray (2) must be empty before the sheet picking roller (21) of the sheet feeder mechanism (including 21) can engage a sheet of the first print media held by the first media tray (6).

Regarding claim 13, Figs. 1-2 show that the sheet picking roller (21) is positioned by the sheet feeding mechanism (including 21) to pick a top sheet of print media, the top sheet of print media being located in the second media tray (2) when at least one sheet of the second print media is present, and the top sheet print media being located in the first media tray (6) when the second media tray (2) is empty.

Regarding claim 19, the first media tray (6) can be a primary media tray and the second media tray (2) can be an auxiliary media tray.

Regarding claim 20, Figs. 1-2 show a print media source, comprising:

a first media tray (6) for holding a first print media;

a second media tray (2) for holding a second print media; and

a sheet feeder mechanism (including 21) having a sheet picking roller (21) located to pick a top sheet of print media in the print media source, the top sheet of print media being located in only one of the first media tray (6) and the second media tray (2), the sheet feeder mechanism (including 21) including a biasing mechanism (including 27) coupled to the sheet picking roller (21), the sheet picking roller (21) being biased by the biasing mechanism (including 27) to move in a first direction (down) to engage the top sheet of print media, regardless of which of the first media tray (6) and the second media tray (2) contains the top sheet of print media. The top sheet of print media can be located in only one of the first and second media trays (6 and 2) when one of such media trays runs out of print media. Thus, all of the limitations of claim 20 are met.

Regarding claim 22, Figs. 1-2 show the first media tray (6), the second media tray (2) and the sheet feeder mechanism (including 21) being arranged such that the second print media tray (2) must be empty before the sheet picking roller (21) of the sheet feeder mechanism (including 21) can engage a sheet of the first print media held by the first media tray (6).

Regarding claim 23, Figs. 1-2 show an imaging apparatus, comprising:

a primary media tray (2) for holding a primary print media; and

a frame (near 1) including a cross support (one shown near 1e) that extends across a width of the primary media tray (2); and

an auxiliary media tray (6) pivotably coupled to the cross support, the auxiliary media tray (6) being configured for holding a second print media.

Regarding claim 24, Figs. 1-2 show a sheet feeder mechanism (including 21) having a sheet picking roller (21) located to pick a top sheet of print media, the top sheet of print media being located in one of the primary media tray (2) and the auxiliary media tray (6).

Response to Arguments

3. Applicant's arguments filed 11/28/2006 have been fully considered but they are not persuasive. Applicant argues that

Claim 1 as amended now recites, in part, that "said top sheet of print media being located in only one of said first media tray and said second media tray" and that "said sheet feeder mechanism including a biasing mechanism coupled to said sheet picking roller, said sheet picking roller being biased by the biasing mechanism to move in a first direction to engage said top sheet of print media, regardless of which of said first media tray and said second media tray contains said top sheet of print media." The term "bias" is used consistent with the traditional meaning in the mechanical arts, wherein bias is brought about by a reference force that is applied constantly. In contrast to claim 1, Watanabe does not provide a "bias mechanism" to *bias* pickup roller 37, but rather, discloses a motor driven lead screw arrangement for selectively positioning pickup roller 37 in direction x and vertically in direction y (column 3, lines 49-68).

Further, in the configuration of Watanabe, first tray 54 has an upper media sheet and second tray 53 has an upper media sheet, each of which can be selectively picked as the "top sheet" by selective placement of pickup roller 37. In contrast, in the configuration of claim 1, the top sheet can only be in one of the first media tray and said second media tray, i.e., the top sheet is the uppermost sheet of both trays together.

Regarding applicant's comment about the "biasing mechanism", the examiner disagrees. Fig. 4 and column 3, lines 40-43 of Watanabe disclose a biasing mechanism (including 35), which biases an arm 36 connected roller 37 in a downward direction. It is the examiner's position that this arrangement can be considered a biasing mechanism, as claimed. This arrangement is different from the mechanism shown in Fig. 5 with lead screws, which shifts the position of roller 37.

Regarding applicant's comment about the top sheet only being in one of the first media tray and the second media tray, the examiner disagrees. Claim 1 recites "said top sheet of print media being located in only one of said first media tray and said second media tray". Thus, claim 1 does not require the top sheet to be the uppermost sheet of both trays together. Rather, the top sheet of print media can be located in only one of the first and second media trays (54 and 53) of Watanabe when one of such media trays runs out of print media or when only one of such media trays is filled by a user. Thus, all of the limitations of claim 1 are met.

Similar arguments to those for claim 1 were made for claim 20. The examiner's position is the same with regard to claim 20.

Next applicant argues

Claim 23 as amended now recites, in part, “ a primary media tray for holding a primary print media; a frame including a cross support that extends across a width of said primary media tray; and an auxiliary media tray pivotably coupled to said cross support, said auxiliary media tray being configured for holding a second print media.” (Emphasis added). Watanabe does not disclose teach, or suggest a configuration wherein the frame includes a cross support that extends across a width of the primary media tray, and wherein an auxiliary media tray is pivotably coupled to the cross support.

The examiner disagrees. Watanabe discloses a primary media tray (54) for holding a primary print media; and a frame (Figs. 1 and 8) including a cross support (near 54a) that extends across a width of the primary media tray (54); and an auxiliary media tray (53) pivotably coupled to the cross support, the auxiliary media tray (53) being configured for holding a second print media. Thus, all of the limitations of claim 23 are met.

Allowable Subject Matter

4. Claims 9 and 14-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the


shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Morrison whose telephone number is (571) 272-7221. The examiner can normally be reached on M-F, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

02/20/2007



PATRICK MACKEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600